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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

E. & J. GALLO WINERY,

Plaintiff,

v.

ANDINA LICORES S.A.,

Defendant.

Case No. CV-05-0101-AWI (LJO)

**STIPULATION AND ORDER
[PROPOSED] AMENDING
SCHEDULING CONFERENCE
ORDER**

Plaintiff E. & J. Gallo Winery (“Gallo”) and defendant Andina Licores, S.A. (“Andina”), by and through their respective counsel, hereby submit the following Stipulation and Proposed Order to amend the Scheduling Conference Order entered in this case on September 8, 2005.

STIPULATION

WHEREAS, on September 8, 2005 a scheduling conference was held in this matter.

WHEREAS, on September 8, 2005 the Court entered a Scheduling Conference Order (“the September 8 Scheduling Conference Order”) which, among other things, set

a mediation (or other ADR method) deadline of November 18, 2005, as well as certain discovery deadlines.

WHEREAS, the parties have scheduled a mediation before Justice Edward Panelli (Retired) and the first date available to the parties and Justice Panelli was January 16, 2006 and a mediation has been scheduled for such a date.

WHEREAS, the parties wish to extend certain discovery deadlines in order to accommodate the January mediation date and other scheduling concerns.

IT IS THEREFORE STIPULATED AS FOLLOWS, SUBJECT TO THE APPROVAL OF THE COURT:

The November 18, 2005 mediation deadline referred to in the September 8 Scheduling Order at 5:16 is extended to **January 20, 2006**.

The December 2, 2005 expert disclosure deadline set forth in the September 8 Scheduling Conference Order at 1:12 is extended to **January 9, 2006**.

The December 16, 2005 supplemental expert disclosure deadline set forth in the September 8 Scheduling Conference Order at 1:14 is extended to **January 29, 2006**.

The January 6, 2006 non-expert discovery cut-off deadline set forth in the September 8 Scheduling Conference Order at 1:15 is extended to **February 15, 2006**.

The February 1, 2006 expert discovery cut-off deadline set forth in the September 8 Scheduling Conference Order at 1:16 is extended to **February 20, 2006**.

All other dates and matters set forth in the September 8 Scheduling Conference Order shall remain unchanged.

Dated: November 29, 2005

BAKER & McKENZIE LLP

By: /s/ Tod L. Gamlen, Esq.

Tod L. Gamlen
Attorneys for Plaintiff
E. & J. GALLO WINERY

Dated: November 29, 2005

BORTON, PETRINI & CONRON, LLP

By: /s/ Sean T. O'Rourke, Esq.

Sean T. O'Rourke
Attorneys for Defendant
ANDINA LICORES, S.A.

ORDER

The Court having considered the above Stipulation and good cause appearing therefor, it is hereby ORDERED that the September 8 Scheduling Conference Order be amended as follows:

The November 18, 2005 mediation deadline referred to in the September 8 Scheduling Order at 5:16 is extended to **January 20, 2006**.

The December 2, 2005 expert disclosure deadline set forth in the September 8 Scheduling Conference Order at 1:12 is extended to **January 9, 2006**.

The December 16, 2005 supplemental expert disclosure deadline set forth in the September 8 Scheduling Conference Order at 1:14 is extended to **January 29, 2006**.

The January 6, 2006 non-expert discovery cut-off deadline set forth in the September 8 Scheduling Conference Order at 1:15 is extended to **February 15, 2006**.

The February 1, 2006 expert discovery cut-off deadline set forth in the September 8 Scheduling Conference Order at 1:16 is extended to **February 20, 2006**.

All other dates and matters set forth in the September 8 Scheduling Conference Order shall remain unchanged.

IT IS SO ORDERED.

Dated: November 30, 2005 /s/ Lawrence J. O'Neill

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UNITED STATES MAGISTRATE JUDGE